

1 A JOINT RESOLUTION claiming sovereignty over powers not granted to the  
2 federal government by the United States Constitution, serving notice to the federal  
3 government to cease mandates beyond its authority, and stating Kentucky's position that  
4 federal legislation that requires states to comply under threat of loss of federal funding  
5 should be prohibited or repealed.

6 WHEREAS, the Tenth Amendment to the Constitution of the United States  
7 provides that "The powers not delegated to the United States by the Constitution, nor  
8 prohibited by it to the States, are reserved to the States respectively, or to the people"; and

9 WHEREAS, the Tenth Amendment defines the total scope of federal power as  
10 being that specifically granted by the Constitution of the United States and no more; and

11 WHEREAS, the scope of power defined by the Tenth Amendment means that the  
12 federal government was created by the states specifically to be an agent of the state; and

13 WHEREAS, today, in 2016, the states are demonstrably treated as agents of the  
14 federal government; and

15 WHEREAS, many federal mandates are directly in violation of the Tenth  
16 Amendment to the Constitution of the United States; and

17 WHEREAS, Article IV, Section 4 of the United States Constitution states that "The  
18 United States shall guarantee to every State in this Union a Republican Form of  
19 Government..." and the Ninth Amendment of the United States Constitution states that  
20 "The enumeration in the Constitution, of certain rights, shall not be construed to deny or  
21 disparage others retained by the people"; and

22 WHEREAS, the United States Supreme Court has ruled in *New York v. United*  
23 *States*, 505 U.S. 144 (1992), that Congress may not simply commandeer the legislative  
24 and regulatory processes of the states; and

25 WHEREAS, a number of proposals from previous administrations and some now  
26 pending from the present administration and from Congress may further violate the  
27 Constitution of the United States;

1       NOW, THEREFORE,

2       ***Be it resolved by the General Assembly of the Commonwealth of Kentucky:***

3       ➔Section 1.   The Commonwealth of Kentucky hereby claims sovereignty under  
4       the Tenth Amendment to the Constitution of the United States over all powers not  
5       otherwise enumerated and granted to the federal government by the Constitution of the  
6       United States.

7       ➔Section 2.   This Resolution serves as notice and demand to the federal  
8       government, as our agent, to cease and desist, effective immediately, mandates that are  
9       beyond the scope of these constitutionally delegated powers.

10      ➔Section 3.   It is the position of the Commonwealth of Kentucky that all  
11      compulsory federal legislation that directs states to comply under threat of civil or  
12      criminal penalties or sanctions, or requires states to pass legislation or lose federal  
13      funding, be prohibited or repealed.

14      ➔Section 4.   The Clerk of the House of Representative shall distribute a copy of  
15      this Resolution to the President of the United States, the President of the United States  
16      Senate, the Speaker of the United States House of Representatives, the Speaker of the  
17      House and President of the Senate of the legislature of each state of the United States of  
18      America, and each member of the Kentucky's congressional delegation.